



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

02-02-13-0418

Date Filed

5/30/13

Complete instructions are on the back of this form.

1. Charged Activity or Agency

Name: AMRDEC/ Eric Edwards
Address: Building 5400 Rm 100
Redstone Arsenal AL 35898

Tel #: (256) 876-3322

Ext.

Fax#:

2. Charging Party (Labor Organization or Individual)

Name: AFGE Local 1858
Address: 3202 Mauler Rd
Redstone Arsenal AL 35898

Tel #: (256) 876-4880

Ext.

Fax#: (256) 955-8846

3. Charged Activity or Agency Contact Information

Name: Jackie Bennett
Title: Chief Management Employee Relations Redstone Arsenal
Address: Bldg 3468
Redstone Arsenal AL 35898

Tel #: (256) 313-0280

Ext.

Fax#:

4. Charging Party Contact Information

Name: Sharon S Powers
Title: Assistant VP AMRDEC AFGE Local 1858
Address: 3202 Mauler Rd
Redstone Arsenal AL 35898

Tel #: (256) 251-0445

Ext.

Fax#:

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and 1-8

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

On 29 May 13 Mr. Tom Channell Systems Engineering Office Associate Director wrote Sharon S Powers an Assistant VP AMRDEC AFGE Local 1858 Representative a memo stating

1. Ms Powers could not send an email requesting a first step grievance using her knology email account. Ms Powers personal account
2. Ms Powers violated the AMRDEC Authorized User Policy (AUP) by using her knology email account to communicate with Mr. Tom Channell regarding AFGE business
3. Ms Powers violated her own PII by sending an email with disability retirement Supervisor Statement (From Tom Channell) information to other AFGE Local 1858 Reps, Ms. Powers Lawyer, and the Office of Special Counsel attorney handling Ms. Powers complaint
4. Mr. Channell would not read any emails from my knology account including AFGE business and my 1st step grievance

On 28 May 13 Ms Powers read Mr. Channells Supervisory Statement for her disability retirement. Mr. Channell attached a Proposed 6 day suspension, false statements, false statements from AMRDEC Gov employees, false statements from AMRDEC Ktr employees, and discussed Ms Powers ULP, grievance, EEO and other protected activities in the Supervisory Statement for her disability retirement.

Mr. Channell did not give Ms Powers a copy of his Supervisory Statement for her disability retirement until Ms Powers requested in a memo to see his Supervisory Statement for disability retirement.

Please see memo from Tom Channell dated 29 May 2013

Please see Tom Channells Supervisory Statement for Ms Powers disability retirement (b)

Ms Powers seeks removal from AMRDEC which has become increasingly hostile since she began AMRDEC - AFGE Local 1858 CBA negotiations.

7. Have you or anyone else raised this matter in any other procedure? ☒ No ☒ Yes If yes, where? (see reverse)

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "x" box) ☒ Fax ☐ 1st Class Mail ☐ In Person

☐ Commercial Delivery ☐ Certified Mail

Sharon S Powers

Type or Print Your Name

Your Signature

Date

30 May 13

To: Tom C. Channell
From: Sharon Powers Assistant VP AURDET
RDMR-SEO
AFBB local 1858

29 May 2013

MEMORANDUM FOR Ms. Sharon Powers

SUBJECT: Use of knology account

Please define
official business
per the AUP.

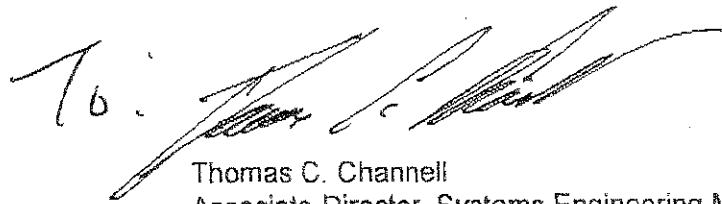
1. I have provided repeated direction to discontinue using your knology account for official business, outside of emergency leave notification. You repeatedly violate this direction, which is both unprofessional and considered a defiance of authority.

2. Today's email from your knology account, is a prime example why this behavior is not prudent. When sending your grievance notification at 1239 hours today, you included an attachment of the Standard Form 3112B, which I had just delivered to you as a hard copy. This document contains your Social Security Number, and was sent without any encryption, so you have just provided it through an unsecure net to all recipients.

3. Please discontinue this communication practice immediately, as you have been provided multiple avenues to communicate with me. This practice is in violation of the AUP. You may consider recalling your email to better protect your own PII. I will be deleting the message.

4. I will continue to **not respond** to your personal emails used to conduct official government business, outside of the parameters I have already provided. I again encourage you to stop this inappropriate and unsafe practice.

my disability
retirement
package
my soc sec #

To: 

Thomas C. Channell
Associate Director, Systems Engineering Management
Engineering Directorate
Aviation and Missile Research Development and
Engineering Center

Mr Channell "
Please quote the AUP" that
states I cannot use my
knology account to file a grievance
→ send my ret. disability info to the
union & lawyers S-

Supervisor's Statement

In Connection With Disability Retirement Under the Civil Service Retirement System and the Federal Employees Retirement System

Standard Form 3112B Addendum

Section B (Item #6) – Critical elements of the position are "Technical Competence" and "Customer Relations". Ms. Powers performance in both of these elements has been deficient starting in July 2012. At that time, it was unapparent whether the deficiency in assigned work was related to behavioral issues (delay in carrying out duties) or performance. I have observed examples where Ms. Powers appears to be conducting exhaustive research, yet struggles with formalizing her thoughts into a deliverable quality product. Additionally, she becomes quite argumentative when offered criticism or corrective steering on her assignments. While performing her most recent assignment, I had to adjust deadlines to accommodate her subpar performance and inattention to direction. A Performance Improvement Plan (PIP) has not been initiated, but may be considered once a full analysis of her last assignment is complete.

Since Ms. Powers' last Exceptional performance appraisal, her performance has progressively declined. I have addressed her performance through counseling and have stopped short of a PIP which may be necessary should her performance continue to decline. Ms. Powers states that she has Meniere's disease and operates with one half her balance. She states she cannot perform her duties at a level consistent with that of other employees. Her performance is subpar and it cannot be allowed to continue as it has had a negative impact on the mission.

Current medical documentation provided associated with Meniere's disease does not identify any specific job restrictions other than a requirement to work in a location with a solid foundation, since a trailer environment causes lightheadedness and dizziness. Since Ms. Powers now currently works in a permanent structure, there is no work restriction necessary. Ms. Powers' doctor makes acknowledgement of periodic flare-ups which may require patient care to address nausea and migraines. Ms Powers has stated that "undue stress" aggravates her ear condition, which can affect her work.

Additionally, Ms. Powers has made claim for a Workers Compensation shoulder injury. Doctors restrictions include no lifting greater than 5 pounds with right arm, and 15 minute breaks every 2 hours from writing and typing. This restriction of right arm movement does not warrant any assigned work restriction.

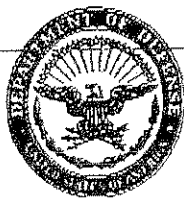
Section C (Item #3) – Ms. Powers was afforded attendance flexibilities such as telework and FMLA in years past, based on prior approved applications. Unfortunately, Ms. Powers's use of the attendance flexibilities continued well after these arrangements had expired, and her approach to attendance became lax. In Aug 2012 I provided a Letter of Warning, that relayed a poor track record of managing her timecard and not submitting leave slips in a timely manner. In January 2013, these insufficient approaches to timekeeping, mandated a Letter of Leave Instruction due to her lackluster approach toward Leave requests, excessive requests for unscheduled leave, and recurring timecard inaccuracies. There are a number of reasons that Ms. Powers takes leave to include: "undue stress" inciting her Meniere's disease, periodic sickness, headaches, sons sickness, an alleged poisoning causing stomach problems, and claimed occupational exposure to Cadmium. When at work, she also serves as a Union official, and is granted official time to perform those duties. She also pursues multiple EEO complaints,

grievances, Unfair Labor Practices, and spends time pursuing interest in personal legal matters. The combined effect of all these activities makes it difficult to define a specific item of cause. It is inconclusive whether attendance, performance or behavior, or some combination is the culprit for unacceptable performance. Ms. Powers has stated that the "undue stress" of performing the work I assign, working with half her balance system, or her work conditions all affect her ability to work effectively. As far as impact on work operations, on one occasion, other employees had to step in at the last minute to hurriedly complete a task due to Ms. Powers' incomplete work. On another, a customer was unsatisfied with a product, and ended up completing the task himself, for which he had funded Ms. Powers to complete. On a personal note, the amount of time I must spend to ensure even the most basic of Management Controls is well above any other employee I supervise.

Note: Inclusive of the hours listed in Section C (Item #4) are, to date, 66 hours of FMLA, and 10.5 hours of Workers Compensation, according to my records.

Section D (Item #2) - Ms. Powers has often displayed inappropriate conduct in the workplace. Likewise, there have been delays in completing her assigned tasks. Her behavior has been addressed through a progression of discipline ranging from verbal counseling, a letter of counseling and a letter of warning in an attempt to correct her behavior. Recently, she has been issued the first formal disciplinary action notice proposing to suspend her without pay (See attached Enclosure 2). She has been disruptive in multiple workplaces creating an environment where co-workers do not wish to work with her. This has impacted the organizations ability to successfully carry out the mission. My organization, which Ms. Powers works in, is a reimbursable organization, therefore relies on paying customers to fund all salaries. Due to Ms. Powers conduct, it has become very difficult to find a customer willing to fund her support, placing an added funding burden on my organization.

Section E (Item #1) - Based on statements and written correspondence from Ms. Powers claiming her medical conditions affect her work, I requested in Sept 2012 updated medical information. Updated medical information was not provided until Feb 2013. Coincident with its provision, Ms. Powers made a request for a Reasonable Accommodation for two items. One was to be relocated from a trailer, which Ms. Powers stated made her sick with headache sinus pain, nausea, heart palpitations, stomach problems, and motion sickness. An accommodation was made by relocating her to a permanent structure office. The second reasonable accommodation was the requested ability to use credit hours. Based on Ms. Powers' current workload, and current performance (to include the current Letter of Leave Instruction dated 29 Jan 2013), this accommodation was not granted. I have not seen an appreciable difference between the leave time taken while in the trailer due to her condition, versus after her relocation to the permanent structure.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY RESEARCH, DEVELOPMENT AND ENGINEERING COMMAND
RESEARCH, DEVELOPMENT, AND ENGINEERING CENTER
6400 FOWLER ROAD
REDSTONE ARSENAL AL 35898-5000

MAY 03 2012

RDMR-SEO

MEMORANDUM FOR Ms. Sharon S. Powers, US ARMY RESEARCH, DEV & ENGR
COMMAND, U.S. Aviation and Missile Research, Development and Engineering Center,
(AMRDEC), Engineering Directorate, Redstone Arsenal, AL 35898

SUBJECT: Notice of Proposed Suspension

1. This is to notify you of a proposed action to formally suspend you without pay for 6 calendar days effective not earlier than 30 calendar days after you receive this notice, for conduct unbecoming a Federal employee and failure to follow.

2. The specific reasons for this proposed suspension is as follows:

Reason #1 – Creating Disruptions in the Workplace: A 15-6 Investigation into allegations of misconduct revealed the following complaints:

a. On 13 April 2012, Ms. Sandra Pape, a contractor employee, was compelled to answer your personal questions while you stood blocking the doorway with your arms across the partition. Specifically, you inquired whether she knew your sons father and the lawyer representing him in his custody case. You accused Ms. Papes of passing information to the lawyer and told other employees not to talk to her. Additionally, at the conclusion of a meeting, while a Wavelink representative was still on the phone, you and another employee proceeded to discuss your sexual relationships in which you compared the men you each had been with to include a discussion of the sizes of their private area. Ms. Pape states she was left feeling very uncomfortable; "I am surprised of the behavior of a government employee toward a contractor. I am distracted from doing my job and feel I am under attack by her unprofessional behavior. I do not wish to work in a hostile work environment nor do I wish this on others." Ms. Pape stated that she will no longer support meetings you conduct or attend.

b. Ms. Shelly Harris states that over a period of seven (7) months your behavior became increasingly troubling. It has impacted her ability to work at her desk and there has been hostility directed toward her. On April 20, 2012 Ms. Harris sat down and logged on to her computer and you began singing the Michael Jackson song with the lyrics "Sometimes I feel like, somebody's watching me." You loudly encouraged Bobby Land to "sing it with me" and continued. Ms. Harris states "I felt very uncomfortable and threatened by this behavior as I was convinced that I had been added to her growing list of people that she believed was leaking her personal information to her child's father and his attorney." When Ms. Harris left the office and returned, you began singing the song again. She states "I felt that her passive aggressive behavior was meant to intimidate me. I informed management that I was not comfortable working in the same office with her and requested that Alisha and I be allowed to work from a different location."



RDMR-SEO

Notice of Proposed Suspension

c. Mr. Bobby Land states that over the past 5 months he has seen a continuous escalation of disruptive behavior from you to the point he started wearing headphones to listen to music to drown out the constant personal phone calls. He feels uneasy when talking to anyone in his office in front of you for fear you will turn it into a plot to tarnish your name. During the first week of April 2012 while he discussed an upcoming meeting/issue with two individuals, you walked in and said to him "It's amazing how fast gossip gets started around here." "I heard what you said about me." Mr. Land explained that he was discussing work. You looked at him angrily and said "DON'T YOU GIVE ME THAT BOBBY LAND!" He states, "No amount of words can explain what it is like to work in here when Sharon is actually in the office. The environment in our office is uncomfortable and seriously distracting."

d. On 9 April 2012, you interrupted an on-going meeting between Mr. Jason Matheney, Mr. Darrell Quarles and Mr. Barry Price and asked to speak to Mr. Matheney. You showed Mr. Matheney a web page of the fitness center "Dance Trance" where his wife Pamela Matheney is employed. A part owner of "Dance Trance", Wendy Myers, is employed at the Prototype Integration Facility (PIF) at AMRDEC where Mr. Nikonchuk, the father of your child is employed. Ms. Myers daughter, Ashley Myers, is an instructor at "Dance Trance" and also the attorney of Mr. Nikonchuk. You informed Mr. Matheney that you are in a child custody case with Mr. Nikonchuk. You stated you were concerned as to how your supervisor received information of a confrontation between yourself and Mr. Greg Johnson. You also voiced your concern that Wendy Myer and Mr. Nikonchuk both work at the PIF. Mr. Matheney assured you that neither he nor his wife, Pamela, had firsthand knowledge of your personal and legal situation and he did not disclose information about you to your supervisor nor to his wife. You replied that you just wanted to clear the air.

Based on the behavior described above, Mr. Mark Tuten concluded that your inappropriate behavior could no longer be tolerated because of the impact to work operations. He stated that your behavior has become more unpredictable and more verbose. Team members requested that they be excused from participation in Integrated Project Teams that you chair or were in attendance. Mr. Tuten exercised his right to return you to AMRDEC because you were no longer an effective team member and you were not working out.

e. A signed statement independent of the 15-6 investigation revealed the following: On 21 November 2012 you were witnessed having a loud argumentative phone conversation regarding your blood work and alleged poisoning. You accused the other party of altering blood work because of influence by your son's father, Will Nikonchuk, and other individuals within AMRDEC. Your conversation which involved your personal information went on for quite some time and caused a disruption in the office. Ms. Jennifer Davenport attempted to close the door to the office you occupied; however, the door did not fully close. Ms. Davenport heard you state to the other party, "The lady who is after me, just shut my door" and you continued your argumentative phone conversation. As you departed the office, while in the presence of a visitor, you stated to Ms. Davenport, "Hi, keep your legs closed". You continued to mumble inaudibly as you left the office.

RDMR-S-0

Notice of Proposed Suspension

Reason #2 – Delay in Carrying out Assigned Duties Within a Timely Manner:

You were assigned the task of completing a Systems Engineering Plan (SEP) for the CRAM Project Office on 19 September 2012 and provided a DRAFT copy to begin your assignment by the CRAM Branch Chief Mr. Douglas Love. The suspense for completion of the task was 20 November 2012 which was more than ample time. You requested and received an extension until 26 November 2012 in which to complete the assignment. However, you did not meet that suspense as well. As of 17 December 2012 when I took possession of your computer the assignment had not been provided to the customer and was 18 days past due. Mr. Love received the results of your work on 14 January 2013 when I provided it for his review. He stated "It is not nearly as far along as I had hoped." In my review, the work you completed toward the task consisted of minimal changes to the document and handwritten notes on a paper copy. Your delay in carrying out this assignment constitutes repeated behavior. On two previous occasions you were counseled for failure to carry out your assigned duties in a timely manner by letter of counseling dated 18 July 2012 and by letter of warning dated 21 August 2012. In one instance, at a moment's notice, two individuals were enlisted to drop what they were doing and complete your assigned task in order to successfully meet the requirement to the customers.

3. During the AR 15-6 investigation, all attempts made by the assigned investigator, LTC Robert S. Feathers, to obtain your participation in the investigation and allow you the opportunity to provide any information you wished the investigator to consider failed. You refused to cooperate in the investigation. Therefore, the investigation was concluded without benefit of your input. As a Federal employee, you have the responsibility to observe and maintain a high standard of conduct. Your conduct and actions, as described above, have had an adverse impact on the moral, productivity, and the maintenance of proper discipline. Therefore, this proposed action is for such cause as to promote the efficiency of the Federal service. Further, this action is consistent with the Table of Penalties contained in Army Regulation 690-700, Chapter 751, Table 1-1.

4. In arriving at my decision to propose this suspension, I have considered the following factors: the nature and seriousness of the offenses and the relation to your duties, position, and responsibilities, including whether the offenses were intentional or technical or inadvertent, or were committed maliciously or for gain or were frequently repeated; your job level and type of employment, including contacts with the public, and prominence of the position; your past disciplinary record; your past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; the effect of the offenses on your ability to perform at a satisfactory level and its effect upon my confidence in your ability to perform your assigned duties; the consistency of the penalty with those imposed upon other employees for the same or similar offenses; the consistency of the penalty with the Table of Penalties in Army Regulation 690-700, Chapter 751, Table 1-1; the notoriety of the offenses or the impact upon the reputation of the agency; the clarity with which you were on notice of any rules that were violated in committing the offenses or had been warned about the conduct in question; your potential for rehabilitation; any mitigating circumstances surrounding the offenses such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter; and the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by you or others.

RDMR-SEO

Notice of Proposed Suspension

5. You have the right to reply orally and/or in writing to this proposed action. You may also provide documentary evidence in support of your response as to why you believe this proposed action should not be effected. Your reply, if any, should be submitted directly to the deciding official, Mr. James Lackey, Director, Engineering Directorate, within fifteen (15) workdays following receipt of this notice. Before a decision is made, full consideration will be given to any reply you submit. Consideration will be given to extending this reply period upon receipt of a written request from you stating the compelling reason(s) for such an extension. You have the right to a representative of your choosing, provided that person has no conflict of interest or position. You must promptly notify me in writing of any person that you select to represent you in this matter. You will be allowed a reasonable amount of official time to review the material relied upon to support this proposal, to secure affidavits and other documentary evidence, and to prepare a reply to this proposal. You must make arrangements with me for the use of official time.

6. This proposed action, if determined to be warranted, will not be effected before the expiration of this notice period of thirty (30) calendar days following your receipt of this letter, and until you receive a written letter of final decision. During this advance notice period, you will continue in an active duty and pay status.

7. If you believe you have a medical condition which contributes to the misconduct cited above, you may submit information documenting the condition to me for consideration. Any medical documentation you submit must be provided at your own expense.

8. The information relied upon to support this proposed action will be made available for you to review upon your request. If you wish to review the material, have any questions regarding this proposed action, want technical assistance concerning your rights, or if you desire to review associated regulations, you may contact Ms. Kelli Curry of the Redstone Civilian Personnel Advisory Center, Building 3458, Aerobee Rd., Redstone Arsenal or by telephone at 876-4369.



THOMAS C. CHANNELL

Associate Director, System Engineering Management
Engineering Directorate
Aviation & Missile Research Development and
Engineering Center